



# TOWN OF TRURO

## Conservation Commission

24 Town Hall Road

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### Minutes

### Site Visits

October 5, 2015

1:15 P.M. Met at the Cobb Library parking lot.

**21, 32 & 33 Cooper Rd; 2 & 4 Heron Ln; 39 Bay View Rd:** All sites were viewed in order to see the need for biomimicry, sand nourishment and beach grass plantings.

**5 Slade Hill Rd:** The Commission viewed the proposed location of the septic system.

3:15 P.M. site visits concluded.

## **Regular Meeting**

**October 5, 2015**

**6:30 P.M. in Selectman's Meeting Room**

**Members Present:** Deborah McCutcheon, Peter Romanelli, Jim Bisceglia, Larry Lown, Linda Noons Rose, Diane Messinger

**Others Present:** Pat Pajaron-Conservation Agent, Nicole Smith-Secretary

**Motion to approve the September 14, 2015 meeting minutes by Romanelli and seconded by Messinger. The motion was approved 5-0-1 with McCutcheon abstaining.**

### **Public Hearings**

**5 Slade Hill Road, Notice of Intent, Jason Ellis for Peter Allner, SE# 75-0965:** The applicant would like to upgrade the existing cesspool to a Title V system. The leach field will be at the furthest possible point away from the resource area. The disturbed areas will be replanted. **Motion to approve the Notice of Intent with the usual conditions and incorporating the plan dated July 15, 2015. The motion was made by Romanelli and seconded by Noons Rose and approved unanimously.**

**39 State Highway, Request for Amended Order of Conditions, Felco Engineering for Darel Moss, SE# 75-0925:** The applicant would like to eliminate the view corridor and the pond access area and just have a patio on the north side of the house with a plant border around it and to build two timber retaining walls. The area that was mowed will be revegetated. **Motion to approve the revisions as set forth on the plan dated 9/22/2015 with the usual conditions including the constructions notes on the plan, the mitigation planting plan dated 8/18/2015 and with additional conditions that the retaining walls will be dry laid stone or ACQ. The motion was made by Romanelli and seconded by Noons Rose. The motion was approved unanimously.**

**471 Shore Rd Unit 26, Request for Determination of Applicability, Peter Page for Hilda Neily:** The applicant would like to add a first floor deck in the same footprint as the existing second floor deck. It will have a staircase that needs one footing that will need to be excavated. The area is not vegetated and the majority of the deck will be hung from the house. **Motion to find a Negative 2 determination that work is within an area subject to the Act, but will not alter that area and does not need to file a Notice of Intent. The motion was made by Romanelli and seconded by Noons Rose. The motion was approved unanimously.**

**31 Mill Pond Rd, Notice of Intent, Felco Engineering for Martha Ingram and Elena Rice, SE#s 75-0962 and 75-0963:** Messinger, Lown and Noons Rose were not present at the last meeting regarding this project, but the applicant allowed their participation. The garage was rotated which made it further away from the top of the bank and reduced the amount of regrading needed; this is the most practical location. If the garage was moved out of the resource area more construction would be needed for the driveway. 1,300 sq. ft. of mitigation plantings will be done using the Cape Cod Cooperative list of approved

plantings. **Motion to approve the Notice of Intent as presented with the revised plan dated 9/23/15 and incorporating the construction notes and usual conditions. The motion was made by Romanelli, seconded by Bisceglia and approved unanimously.** Parking and Storage: The Commission would like the storage pods moved out of their jurisdiction, but the applicant stated that was difficult due to riverfront. They are temporary, but it is not clear when they will be removed. They do have the intention of using the parking area next season with the same stipulations that were in place this season. The Commission would like Mr. Lajoie to see if there is anywhere to put the storage pods out of the buffer zone and to come back for the November meeting with a plan for them and the parking area. **Motion to continue until 11/2/2015 by Romanelli and seconded by Noons Rose. The motion was approved unanimously.**

**4 Pond Rd Unit A, Notice of Intent, Jere Miller, SE# 75-0959:** The applicant will be notified that he needs to come to the November meeting. **Motion to continue until 11/2/2015 by Romanelli and seconded by Noons Rose. The motion was approved unanimously.**

**20 Mill Pond Rd, Notice of Intent, Land and Sea Engineering for George Reichelm, SE# 75-0948:** The application was withdrawn.

#### **Agenda Items**

**5 Yacht Club Rd, Enforcement Order, John Allen and Barbara Cordi-Allen:** The Allen's attorney had made a record request but is no longer their representative. Town counsel said to determine compliance with the enforcement order with an inspection and if they have not complied further enforcement can be pursued. It was not recommended to use fining as enforcement and a complaint would need to be filed in court. Bisceglia stated that the property owners should be responsible for compliance and then they can take the Allens to court if they wish. McCutcheon would like a written letter from Town counsel with a recommendation of what to do and what research has been done. **Motion to request an opinion from Town counsel by Bisceglia and seconded by Lown. The motion was approved unanimously.**

**670 Shore Rd, Notice of Unpermitted Work, Pilgrim Colony:** The rack was removed from the beach.

**Motion to accept the resignation of Sarah Benjamin by Romanelli and seconded by Bisceglia. The motion was approved 5-0-1 with McCutcheon abstaining.**

**Administrative Review Permits:** Language was added in order to clarify when an administrative permit can be used. **Motion to approve the permit by McCutcheon and seconded by Romanelli. The motion was approved unanimously.**

**522 Shore Rd, Administrative Review/Change in plans, SE# 75-0857:** Continued until 11/2/2015.

## **Administrative Permits**

**488 Shore Rd, Anchor Marine for Dorothy Shapiro:** A timber on the bulkhead was broken and needs to be repaired. Work will take place on the beach but no machines will be used. The field inspector had no comments. **Motion to approve the Administrative Permit by Lown and seconded by Messinger. The motion was approved unanimously.**

**0 Head of the Meadow Rd, Safe Harbor for the Town of Truro:** Request to install biomimicry and plant beach grass and create a zig zag pedestrian pathway. The biomimicry will be removed in the summer and replaced in the fall. All of the wood shims are stamped. **Motion to approve the Administrative Permit by Romanelli and seconded by Lown. The motion was approved 5-0-1 with McCutcheon abstaining.**

**2 and 4 Heron Ln, 39 Bay View Rd, Safe Harbor:** The applicants would like to do sand nourishment with biomimicry and the possible planting of beach grass. The sand will come from Eastham and a loader will bring the sand in from the town landing. Lown mentioned dumping the sand over the bank. Mr. Peabody said that will cause more damage to the bank and is only practical if the bank is already in rough shape because it could hurt the current vegetation. **Motion to approve the Administrative Permit by Romanelli and seconded by Messinger. The motion was approved 5-0-1 with McCutcheon abstaining.**

**21, 32 and 33 Cooper Rd, Safe Harbor:** Requesting a permit to remove beach grass and add sand nourishment then replant the beach grass and add biomimicry. **Motion to approve the Administrative Permit by Romanelli and seconded by Noons Rose. The motion was approved 5-0-1 with McCutcheon abstaining.**

**11 Truro Center Rd, Safe Harbor for Scrimshaw Longnook LLC:** The applicant would like to replace a shed. The new shed will be smaller and will be farther away from the wetland. McCutcheon believes that this is not an appropriate use of an Administrative Permit and should file a Request for Determination of Applicability. **Motion to continue to 11/2/2015 by Lown and seconded by Romanelli. The motion was approved unanimously.**

**29 Knowles Heights Rd, Martha Ellsworth for E. Otis Dyer:** The applicant would like to plant beach grass. **Motion to approve the Administrative Permit by Romanelli and seconded by Lown. The motion was approved unanimously.**

**15 Avocet Rd, Geiger-Phillips for Richard Summers:** Applicant would like a beach storage box that will be supported by an existing beach stair post and will not be touching the sand. **Motion to approve the Administrative Permit by Biscelgia and seconded by Noons Rose. The motion was approved unanimously.**

**596 Shore Rd, Henry Stoll for Anchorage on the Bay:** The applicant would like to plant a garden and shrubs using native vegetation. The garden will be 6'x8' and will

mirror the existing garden with rose bushes, rosa regosa, etc. **Motion to approve the Administrative Permit by Romanelli and seconded by Lown. The motion was approved unanimously.**

### **Requests for Certificates of Compliance**

**586 Shore Rd, Brothers & Pizzigno, SE# 75-0945:** Noons Rose recused herself. DEP informed the Conservation Commission that unless there are outstanding issues we are to issue a certificate. If the owner has an issue with this she can appeal to DEP. **Motion to approve the Certificate of Compliance by McCutcheon and seconded by Romanelli. The motion was approved unanimously.**

**5 Knowles Heights Rd (Lot 56), Slade Associates for Seascape Realty, SE# 75-0907:** More planting needed to be done and a re-inspection was done. A partial certificate can be issued for 1 out of 3 of the lots because the other two are still under construction. **Motion to approve a partial Certificate of Compliance for 5 Knowles Heights Rd (Lot 56) by Lown and seconded by Romanelli. The motion was approved unanimously.**

**2 Sturdy Way, Ron & Barbara Rentel, SE# 75-0944:** Continued to 11/2/2015.

**1 Merryfield Path, Eric Winslow for Steven Corkin, SE# 75-0905:** Continued to 11/2/2015.

### **Public Comment**

Sue Goldstone objects to parking being allowed on the 31 Mill Pond property and says there is also a parking problem and vegetation removal problem on the street. The Commission suggests that Ms. Goldstone write a letter to or attend a meeting of the Board of Selectmen.

### **Miscellaneous**

**Reorganization of the Commission:** Chair McCutcheon would like to step down as chair. She is concerned with various aspects of Town management specifically in regards to parking, mowing and the exclusion of the Conservation Commission on jurisdictional matters. McCutcheon nominates Romanelli to be the next chair. Romanelli accepts with the condition that McCutcheon is vice chair. There is also a vacant seat on the Commission that needs to be filled. **Motion to have Romanelli be Chair and McCutcheon to be Vice Chair by Messinger and seconded by Bisceglia. The motion was approved unanimously.**

**November 2, 2015 meeting:** Corn Hill should be added to the site visits and the Commission budget should be on the next agenda.

**1 Mill Pond Rd:** The Commission is not getting anywhere in regards to the removal of storage containers and may need to consider an enforcement order.

**Motion to adjourn by McCutcheon and seconded by Romanelli. The motion was approved unanimously.** The meeting adjourned at 8:32 p.m.

Respectfully submitted,

Nicole Smith  
Conservation Commission Secretary  
Approved 6-0-0 on November 2, 2015